

## EVENING BULLETIN

3:30 O'CLOCK

A BULLETIN AD WILL FIND THE BUYER

EDITION

A pressing emergency sometimes compels a merchant to advertise largely in order that he may realize a large sum quickly.

This sort of opportunity is ready every day. The Bulletin is issued, to any merchant in Honolulu who has the goods, wants the trade and needs the money.

## STEAMER TABLE.

From San Francisco:	
Mongolia	Nov. 22
Sierra	Nov. 29
China	Dec. 2
For San Francisco:	
Doric	Nov. 21
Sonoma	Nov. 28
From Vancouver:	
Moana	Nov. 18
For Vancouver:	
Aorangi	Nov. 15

Vol. XVII No. 3229

HONOLULU, TERRITORY OF HAWAII, MONDAY, NOVEMBER 13, 1905

Price 5 CENTS

## Railroad Assessment On Interest In Ewa Plantation Not Unconstitutional

\$300,000 VALUATION IS SUSTAINED

The Supreme Court, Justice Wilder writing the opinion, this morning rendered a decision in regard to the assessment of taxes of the Oahu Railway and Land Co., affirming the decision of the Tax Appeal Court, which sustained an assessment of \$300,000 on the interest of the railroad (appellant) in a certain lease to Ewa Plantation Co.

The decision contains the following: The O. R. and L. Co. leased a large tract of land from the Campbell estate and subleased a portion of same to the E. P. Co., Ltd. The Campbell estate was assessed for its interest in the lease to the O. R. and L. Co., the E. P. Co., Ltd., was assessed as an enterprise for profit which included its interest in the sublease, and the O. R. and L. Co. was assessed for its interest in the sublease. Held: That each interest was assessed according to law and that the assessment of the O. R. and L. Co.'s interest in the sublease to the E. P. Co., Ltd., was not illegal and void and was not in violation of the 14th amendment of the U. S. Constitution. In Re Assessment of Taxes of O. R. and L. Co., 16 Haw. 564, affirmed.

An assessment of \$500,000 on the interest of the O. R. and L. Co. in the sublease to the E. P. Co., Ltd., is sustained. In 1889 James Campbell leased for fifty years to B. F. Dillingham about 40,000 acres of land on Oahu, which lease Dillingham assigned to the Oahu Railway and Land Company. That company subleased to W. R. Castle 7,860 acres of the land and Castle assigned this sublease to the Ewa Plantation Co., Ltd., which is required to pay to the Oahu Railway and Land Company 4 per cent. of its annual produce of sugar by way of rental. The sublease retains in the Oahu Railway and Land Company the final month of the 50-year term. The interest of the Oahu Railway and Land Company was returned as of no value and was assessed at \$300,000, which assessment was sustained by the tax appeal court.

An assessment of \$240,000 against this same interest of the same taxpayer for the year 1904 was sustained by this court in 16 Haw. 564. Counsel state in their brief that "it does distinctly appear that the court failed to apprehend or consider our point made that the assessment was void since the property in question is a separate item and should be separately assessed" but this is not true, as the decision clearly shows that that point was apprehended and considered. All contentions that are now made by the taxpayer, except as to the increase of \$60,

000, were made, considered, passed upon and decided by this court in that case adversely to the taxpayer.

A taxpayer cannot complain if he is properly assessed irrespective of whether some one else is properly assessed or not.

That portion of the 14th amendment to the Constitution of the United States which appellant claims is violated reads as follows: "No State shall make or enforce any law which shall abridge the privileges or immunities (Continued on Page 8.)

## ISENBERG REMAINS TO REACH HONOLULU

ON DECEMBER 2ND

According to recent cable advice from New York, received by H. Hackfeld & Co., the remains of the late H. Alexander Isenberg are expected to arrive here in the P. M. S. S. China, December 2nd. The widow and children, accompanied by Mr. and Mrs. C. M. Cooke, have arranged to arrive in the China.

## ELKS OWN ROOF

The Elks entertain at the Alexander Young hotel this evening, it being designated as a Ladies' Night. The roof garden will be devoted to the Elks and their guests, dancing to take place at 10 o'clock in the makai ballroom. The reception will take place in the lounge room at 8 o'clock. As invitations have been issued, only those presenting cards will be admitted to the roof garden. Manager Gray having given notice that the Elks own the roof for this night.

## NEW HOSPITAL TALK

A report was current this morning to the effect that the S. C. Allen estate had sold or otherwise transferred to the Queen's hospital eleven acres of land adjoining the Makiki fire station, for hospital annex purposes. Paul Muhlenberg and J. O. Carter, trustees, S. C. Allen estate, both denied the report.

Bills: What made that preacher say he wished the members of his congregation were somnambulists? Will: So they would stop snoring and walk out when they went to sleep.

## INFAMOUS CRIME QUESTION. IS RESURRECTED

The Supreme Court this forenoon heard argument on the bill of exceptions in the case of Fred. Schilling, who was convicted in the Kauai Circuit Court of assault with intent to commit rape. Schilling was first convicted in the District Court of a charge of assault and battery. He appealed but later on withdrew his appeal. The Grand Jury then indicted him on a charge of assault with intent to commit rape, on which he was convicted.

The exceptions are made on the grounds of autrefelis convict, it being held that as Schilling had already been convicted in the District Court the Circuit Court could not try him, and on several questions which arose during the trial. The famous infamous crime question, which was ruled on by Judge Gear, but which was never decided by the Supreme Court, was also brought up, it being claimed that the District Court had no jurisdiction to convict the defendant on a charge involving infamous punishment.

## WITHINGTON HAS DOUBLE DEFEAT

Judge Robinson this morning granted the motion made by Judge Humphreys that judgment be entered for the defendant in the case of R. C. A. Peterson vs. Elizabeth Church, in accordance with the recent mandate of the Supreme Court, which remanded the case to Judge Robinson to take such further steps in the matter as were in accordance with the decision.

Attorney D. L. Withington objected to Judge Robinson's ruling most strenuously. It came to him as an especially hard blow on account of the fact that this very morning a Supreme Court decision against him had added another defeat. Withington held that under the Supreme Court decision the case should be given a hearing, but the Court held that the only thing possible under it was to grant a judgment for the defendant, which he did.

Ah Sum, alias Chung Lung, is before Judge Whitney this afternoon on a charge of stealing a pair of trousers containing \$15.25 from Makiki, a Japanese. The theft is alleged to have been committed in Kamaowai Lane on November 22d.

Judge Robinson this morning confirmed the sale of the Orphan for \$30,000 to Geo. Tournay of San Francisco. A fee of \$200 was allowed Commissioner Simonton.

John Reagan, charged with assault and battery on his wife, will be sentenced by Judge Whitney tomorrow morning.

The transport Sherman is due to-night or early in the morning. She left San Francisco just one week ago.

The S. S. Aorangi is due Wednesday, bound for Vancouver from Sydney.

The S. S. Enterprise from San Francisco is due today.

The S. S. Supply is due tomorrow from Guam.

Fine Job Printing at The Bulletin office.

## The Only Time Lock

### OUR SAFE DEPOSIT VAULT

Is the only one in the Territory for public service which has the security of a time lock. When the doors are closed at night it is impossible for anyone to open them until the appointed hour next morning.

This is only one of the many special security features the renter of one of our safe deposit boxes enjoys.

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## Will Try To Remedy Quarantine Regulations Delaying Coast Boats

MERCHANTS' ASSOCIATION TO TAKE ACTION

Honolulu is the only port in the United States where vessels from cities not in quarantine on the mainland are boarded by the health officials and quarantined until every passenger and member of the crew is examined. This has been in effect more than two years—ever since the siege of plague in San Francisco. At that time the order to quarantine all boats from the coast was issued by the president and it has never been countermanded.

Some weeks ago a committee of three composed of W. T. Lucas, T. G. King and W. W. Hall was appointed by the Merchants' Association for the purpose of taking up the matter of getting mail from San Francisco boats while they were yet in the harbor undergoing the medical inspection. They conferred with Dr. Hobdy, then acting in charge of the Public Health and Marine Hospital Service in the absence of Dr. Cofer. The idea of the committee was to cooperate with Postmaster Pratt and get mail from the boats as soon as possible and bring it ashore, thus saving an hour or more of time. Then it occurred to the committee that it would be a good thing to have this quarantine regulation abolished. Under the present regulations the mail is not supposed to be handled until the doctor has finished his inspection.

At the next meeting of the directors of the Merchants' Association this committee will make a report favoring the suggestion that the organization take the matter in hand and confer with the proper authorities at Washington.

If this quarantine is abolished ships from the coast would be enabled to dock at any hour during the night and all passenger steamers from San Francisco would save many hours of time on each trip by not being compelled to await the inspection of the health officials.

Just as many surgeons would be necessary for the headquarters here and no one would be transferred or lose their position if the order was recalled. This matter has never been taken up with the Washington officials by the officers here because it is not their duty to send orders or suggestions to their superiors at the headquarters in Washington. In case the Merchants' Association takes an interest in the matter and as a body make the request something will probably be accomplished and all for the good of Honolulu and its mail service, besides doing away with the delay of the ships in the bay now in force.

The trial of the ejectment suit of L. L. McCandless vs. Wahimenu (w.) et al., began before Judge De Bolt this morning. The following jury was drawn: Fred. Goudie, Edward Woodward, D. M. Rose, Albert Waterhouse, H. W. Green, W. C. Bergin, Ulysses H. Jones, J. P. Howatt, J. M. Davis, W. K. Harnden, Thos. C. Maguire and Fred. Turill.

Manuel Gomes, 17 years of age, and Bella de Couto, age 11, were married this afternoon by Judge Whitney. The license was issued at the request of the girl's father, who also swore to a complaint charging his daughter and Gomes with violating the law. They are Portuguese and live in Kakaako.

Judge Lindsay will not go to Kaula at present to try the cases in which Judge Hardy is disqualified. It is probably that those cases will be continued.

## Sixty-six New Cases Are Placed On Criminal Calendar

MURDER TRIAL WILL BEGIN TOMORROW

After having been practically dormant for about two months the criminal business of the present term was given somewhat of a start this morning. The criminal calendar was taken up by Judge Lindsay, to whom it regularly belonged, but whose court was tied up until a short time ago by the Parker ranch case.

The calendar at the opening of the term consisted of 67 cases, but of these about thirty were disposed of in various ways before Judge Robinson, most of them by demurrers or nolle prosequis. This reduction of the calendar to a state where there might be some hope of cleaning it up, was, however, not allowed to remain. Assistant County Attorney Milverton this morning appeared before the court with a list of 66 cases, appeals from the District Court, which he had placed on the calendar.

The new cases added are as follows: J. P. Makaiui et al., larceny second degree; A. G. M. Robertson and C. W. Ashford for defendants; Ah Wa, et al. ticket in possession; Ah Pay and Ah Hoon, et al. ticket in possession; Ah Yet, et al. ticket in possession; Lau Wong et al., present at a gambling game; Yokoyama, selling intoxicating liquor without a license; J. A. Magoon for defendant; Fanny La Belle, sexual intercourse; Camilla Ramon, sexual intercourse; Ah Tai, et al. ticket in possession; Yau Sing, et al. ticket in possession; Loo Gee et al., present at a gambling game; J. W. Cathcart for defendant; Ah Seong, selling opium without a license; J. W. Cathcart for defendant; Loo Pol, selling opium without a license; J. W. Cathcart for defendant; Peter Nelson, found drunk in a public place; Loo Pol, selling opium without a license, defendant in person; Mary Kalino, selling spirituous liquor without a license; Saml. F. Chillingworth for defendant; Freda Kunst, selling liquor; L. M. Straus for defendant; Wong Sou, ponds causing soil erosion and offensive to the public health; Ah Wa, selling opium without a license; J. W. Cathcart for defendant; Shidmau, inducing laborers of the Territory to go beyond limits of the Territory to be employed, defendant in person; Tam Pang, selling opium without a license; Yee Lan, et al. ticket in possession.

(Continued on Page 5)

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SPEED that comes of itself without additional effort from the operator.

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## Japan Arranging New Foreign Loan

(Associated Press Special Cable)

LONDON, England, Nov. 13.—Japan is to issue a new foreign loan of \$250,000,000, at four per cent. A part of this will be used for the redemption of the former internal loans.

## Mornarchical Majority In Norway Plebescite

(Associated Press Special Cable)

CHRISTIANIA, Norway, Nov. 13.—The plebescite to determine whether Norway shall continue as a monarchy with Prince Charles of Denmark, as King or become a Republic, is being held. The returns received thus far show 69,019 for monarchy and 15,435 opposed.

## Hearing Tariff Case Of The Philippines

(Associated Press Special Cable)

WASHINGTON, D. C., Nov. 13.—The Federal Supreme Court reopened its sessions today. It is hearing the Philippine tariff duty cases.

### SHIPS COLLIDE IN SAN FRANCISCO HARBOR.

(Associated Press Special Cable)

SAN FRANCISCO, Cal., Nov. 13.—The lighthouse tender Madrona collided with the schooner Nonpareil in the harbor today. A deckhand was drowned and the captain injured.

### ALPHONSE IN VIENNA.

(Associated Press Special Cable)

VIENNA, Austria, Nov. 13.—King Alfonso of Spain is visiting the Austrian Royal family.

### LABOR MEN MEET.

PITTSBURG, Pa., Nov. 13.—President Gompers presided today at the opening of the annual convention of the American Federation of Labor.

### GOVERNMENT WINS SPANISH ELECTIONS.

MADRID, Spain, Nov. 13.—The Government has been successful in the elections.

### KING OF GREECE IN LONDON.

LONDON, England, Nov. 13.—King George of Greece is in this city.

SAN FRANCISCO, Cal., Nov. 11.—BEETS: 88 analysis, 8s. Previous quotation, 8s 3-4d. Parity for centrifugals, 3.65 cents.

## LACE CURTAINS

Most everyone buys lace curtains at this season of the year, as this is the time that people summering on the Coast return to their homes in Hawaii.

J. HOPP & CO., Furniture Dealers in the Young Building, have just added a nice line of LACE CURTAINS and DRAPERIES to their other lines and are showing a stock of all new goods, including some natty things in the way of Lace Curtain Novelties,—Irish Point, Arabian, and Madras.

J. HOPP & CO.

### Mothers!

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By getting him a pair of those NEW RELIEF SANDALS made on nature's own LAST. Every popular design and weight sole has just been received by last steamer.

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"Bin Hur" black and tan Sandals

Infants' sizes, 4-8 ..... \$0.80

Child's sizes, 8-11 ..... 1.00

Misses' sizes, 12-2 ..... 1.25

"Creko" black and tan Sandals

Infants' sizes, 4-8 ..... \$1.00

Child's sizes, 8-11 ..... 1.25

Misses' sizes, 11-2 ..... 1.50

"English" 1449 Pat. Leather Sandals

Child's size, 8-11 ..... \$1.15

Misses' size, 11-2 ..... 1.35

"Skuffers" Slashed Pat. Colt Welt Sandals

Infants' sizes, 4-8 ..... \$1.50

Child's sizes, 8-11 ..... 1.75

"Skuffers" White Buck Slashed Sandals

With welt sole and Spring heel. Infants' sizes only ..... \$1.50

"Skuffers" Gun Metal Sandals welt sole and spring heels

Infants' sizes, 4-8 ..... \$1.25

Child's sizes, 8-11 ..... 1.35

Misses' sizes, 11-2 ..... 1.65

"Skuffers" Welt Oxfords black and tan

Infants' sizes, 4-8 ..... \$1.50

Child's sizes, 8-11 ..... 1.75

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